



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 24 2008

Trey Glenn, Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
P.O. Box 301463
Montgomery, Alabama 36130-1463

Dear Mr. Glenn:

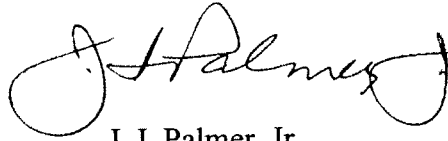
This letter formally notifies you of the U.S. Environmental Protection Agency (EPA) approval of recent revisions to Alabama's National Pollutant Discharge Eliminations System (NPDES) Program. Specifically, EPA is approving revisions to ADEM Admin. Code Regulation 335-6-6, including changes to rule 335-6-6-.02 to add new definitions, changes to rule 335-6-6-.14(3) to require implementation of Total Maximum Daily Loads (TMDLs) in NPDES permits, and changes to rule 335-6-6-.16(a) to authorize schedules of compliance in permits implementing TMDLs. The Alabama Environmental Management Commission adopted the amendments on April 18, 2008, and Alabama Attorney General, Troy King, certified that they have been duly adopted pursuant to applicable state laws in a July 9, 2008, letter to EPA. Adoption of the amendments followed public notice issued on January 20, 2008, and public hearings held on March 6 and March 19, 2008.

Based on our review of the submitted materials, we have determined that this is a non-substantial program revision which does not require a public notice under 40 Code of Federal Regulations (C.F.R.) §123.62(b)(2). As a result, EPA notes the change to ADEM Admin. Code 335-6-6-.14(3) is a change which reconciles the ADEM Administrative Code with EPA's regulatory requirement, at 40 C.F.R. §122.44(d)(1)(vii)(B), that effluent limits in permits must be consistent with the assumptions and requirements of any available wasteload allocation for the discharge in an approved TMDL. Furthermore, the amendment to ADEM Admin. Code 335-6-6-.02 simply adds definitions of certain terms. In addition, while the amendment to ADEM Admin. Code 335-6-6-.16(a) expands the circumstances where compliance schedules may be used in ADEM NPDES permits by authorizing the use of compliance schedules in permits implementing TMDLs, ADEM's compliance schedule authority remains narrower than what is permissible under EPA regulations at 40 C.F.R. §122.47. Moreover, as noted above, the amendments have already been the subject of public notice and comment and public hearings in Alabama.

EPA further finds that the amendments are consistent with the requirements of the Clean Water Act and applicable regulations at 40 C.F.R. Part 123. Accordingly, the program revision is approved pursuant to 40 C.F.R. §123.62(b)(3).

Thank you for the effort involved in accomplishing these regulatory changes. As always, we look forward to continued collaboration with ADEM in achieving our mutual environmental goals. If you have any questions, please contact me directly or have a member of your staff contact Karrie-Jo Shell at (404) 562-9308.

Sincerely,

A handwritten signature in black ink, appearing to read "J. I. Palmer, Jr.", with a large, stylized initial "J" and a flourish at the end.

J. I. Palmer, Jr.
Regional Administrator

cc: James McIndoe, Chief, Water Division, ADEM
Glenda Dean, Chief, Permits Section, Water Division, ADEM